

TITLE 14. FISH AND GAME COMMISSION

Notice of Proposed Changes in Regulations

NOTICE IS HEREBY GIVEN that the Fish and Game Commission, pursuant to the authority vested by sections 200, 202, 203, 203.1, 331, 332, 1050, 1572, 3452, 3453, 4005, 4009.5, 4751, 4902 and 10502 of the Fish and Game Code and to implement, interpret or make specific sections 200, 202, 203, 203.1, 207, 331, 332, 460, 713, 1050, 1570-1572, 1801, 3452, 3453, 3800, 3950, 3951, 4005, 4009.5, 4330-4333, 4336, 4751, 4756, 4800-4805, 4902, 10500 and 10502 of said Code, has open to public review its regulations in Division 1, Title 14, California Code of Regulations, Part 2, Chapter 1, General Provisions and Definitions; Chapter 2, Resident Small Game; Chapter 3, Big Game; Chapter 4, Depredation; Chapter 5, Furbearing Mammals; and Chapter 6, Nongame Animals.

Pursuant to the provisions of sections 203 and 203.1 of the Fish and Game Code, the Fish and Game Commission will consider populations, habitat, food supplies, the welfare of individual animals, and other pertinent facts and testimony in adopting season, bag and possession limits, and areas of take, and prescribe the manner and means of taking as part of the 2002-2003 Mammal Hunting and Trapping Regulations.

At the Fish and Game Commission's meeting on February 9, 2002, the Department of Fish and Game made the following recommendations for changes relative to game mammal, furbearer and nongame mammal regulations for the 2002-2003 seasons: proposes to amend sections 265, 308, 360, 361, 362, 363, 364, 365, 367, 368, 401, 460, 472, 474, 555, 601 and 711, repeal sections 370, 371, 372 and 373, and add sections 477 and 708, Title 14, California Code of Regulations, to make tag quota changes, clarifications, and urgency changes for the 2002-2003 Mammal Hunting and Trapping Regulations.

Informative Digests/Policy Statement Overview

Section 265, Use Of Dogs for Pursuit/Take of Mammals or for Dog Training

Current regulations erroneously describe the line forming the boundary of the Southern Sierra dog control zone. The proposed change rectifies the error by correctly naming roads in boundary descriptions.

Section 308, Brush, Cottontail and Pigmy Rabbits, and Varying Hare (Snowshoe)

Existing regulations allow the taking of brush and cottontail rabbits statewide. The Department recently has received additional information regarding the range of a subspecies of brush rabbit classed as endangered. This subspecies, the riparian brush rabbit, was thought to occur only in Caswell Memorial State Park in southern San Joaquin County, where hunting is prohibited. Recent information indicates that it also occurs in an additional area of San Joaquin County located between Stockton and Tracy. The proposed regulation change would amend Section 308 to close the area of this recently discovered population to the take of brush and cottontail rabbits. Cottontails are included in the closure because brush rabbits can't readily be distinguished from cottontails under hunting conditions.

Subsection 360(a), Deer: A, B, C, and D Zone Hunts

Existing regulations provide for deer hunting in adjacent Zones D-4 and X-7b. Zone D-4 hunters have expressed an interest in having the area between Blackwood Creek and McKinney Creek added to Zone D-4, since little hunting by Zone X-7b hunters occurs in the area. In an effort to meet a specific demand for increased opportunity and expanded hunting area access, the proposal incorporates this area into the Zone D-4 area description.

Existing regulations provide area descriptions for adjacent Zones D-5 and X-8. Area descriptions on the

shared boundary are ambiguous and difficult to discern while in the field. This condition can lead to confusion and possible violation of area boundaries. For consistency, the proposal modifies the area description for Zone D-5 and Zone X-8 by providing a more distinct boundary description which is more recognizable in the field.

Existing regulations do not specifically provide for deer hunting on Santa Catalina Island. From 1998 through 2000, deer hunting activities were conducted under a Private Lands Management Area (PLM) license authorized through the Commission pursuant to Section 601. In 2001, the PLM operator discontinued hunting activities under this license, and the status of deer hunting on the island was unclear and confusing. The proposal would add Santa Catalina Island to the area description for Zone D-15, in order to clarify the island's hunting zone status.

Existing regulations for a C Zone tag provide for hunting during the general season in Zones C-1, C-2, C-3 and C-4, and during the archery season in Zones C-2 and C-3. Proposed regulation changes in archery hunting (Section 361) would create a C Zone Archery Only tag (proposed Hunt A-1 modification), valid in all four C Zones during the archery season only. C Zone tags would only be valid during the general seasons. A minor editorial change is necessary to clarify valid zone and season use for C Zone tags to prevent confusion.

Existing regulations provide for the number of license tags available for the A, B, C, and D zones. The proposal changes the number of tags for all existing zones to a series of ranges presented in the following table. These ranges are necessary, as the final number of tags cannot be determined until spring herd data are collected in March/April. Because severe winter conditions can have an adverse effect on herd recruitment and overwinter adult survival, final tag quotas may fall below the proposed range.

Zone	Number of Tags	
	Current	Proposed
A	65,000	30,000-65,000
B	55,500	35,000-65,000
C	11,500	8,000-20,000
D3-5	33,000	30,000-40,000
D-6	10,000	6,000-16,000
D-7	9,000	4,000-10,000
D-8	8,000	5,000-10,000
D-9	2,000	1,000-2,500
D-10	700	400-800
D-11	5,500	2,500-6,000
D-12	950	100-1,500
D-13	4,000	2,000-4,000
D-14	3,000	2,000-3,500
D-15	1,500	500-1,500
D-16	3,000	1,000-3,500

D-17	500	100-800
D-19	1,500	500-1,500

Subsection 360(b), Deer: X-Zone Hunts

Existing regulations provide for a 16 day season beginning the third Saturday in September in Zones X-7a and X-7b. This opening date overlaps numerous B, C and D zone opening dates, occurs during warmer weather which is less desirable to hunters, and is inconsistent with seasons in other similarly managed X zones (X-1 through X-6b). In an effort to increase opportunity for hunters, meet a public demand for later seasons, and provide for consistency in regulation the proposal moves the season opener for Zones X-7a and X-7b two weeks later.

Existing regulations provide for deer hunting in adjacent Zones X-7b and D-4. Zone D-4 hunters have expressed an interest in having the area between Blackwood Creek and McKinney Creek added to Zone D-4, since little hunting by Zone X-7b hunters occurs in the area. In an effort to meet a specific demand for increased opportunity and expanded hunting area access, the proposal removes this area from the Zone X-7b area description and incorporates it into the Zone D-4 area description.

Existing regulations provide area descriptions for adjacent Zones D-5 and X-8. Area descriptions on the shared boundary are ambiguous and difficult to discern while in the field. This condition can lead to confusion and possible violation of area boundaries. For consistency, the proposal modifies the area description for Zone D-5 and Zone X-8 by providing a more distinct boundary description which is more recognizable in the field.

Existing regulations provide for the number of hunting tags for the X zones. The proposal changes the number of tags for all existing zones to a series of ranges presented in the following table. These ranges are necessary, as the final number of tags cannot be determined until spring herd data are collected in March/April. Because severe winter conditions can have an adverse effect on herd recruitment and overwinter adult survival, final tag quotas may fall below the proposed range.

Zone	Number of Tags	
	Current	Proposed
X-1	2,670	1,000-6,000
X-2	175	50-500
X-3a	335	150-1,500
X-3b	960	200-3,000
X-4	565	100-1,500
X-5a	130	50-300
X-5b	265	50-800
X-6a	400	100-1,200
X-6b	360	100-1,200
X-7a	260	50-600
X-7b	75	0-200
X-8	515	100-750

X-9a	950	100-1,200
X-9b	300	100-600
X-9c	850	100-1,000
X-10	400	200-600
X-12	895	100-1,200

Subsection 360(c), Deer: Additional Hunts

Existing regulations provide for deer hunting seasons which extend through or occur totally within January for additional hunts G-11, G-19, M-6, and J-8. In order to facilitate the incorporation of the most accurate harvest data into population modeling and the Environmental Document analysis, the proposal would move seasons such that hunt seasons do not extend beyond December 31.

Existing regulations provide for special deer hunting opportunities and seasons on military bases with additional hunts G-7, G-8, G-9, G-10, G-11 and J-10. Events of September 11, 2001 forced cancellation of most of these hunts due to heightened base security and military operations. In an effort to provide flexibility for the scheduling of these hunting seasons, the proposal provides a window between the scheduled season opening and December 31, in which the hunt can be conducted. Should the Base Commander choose to reschedule the hunt season, it must be with the concurrence of the Department and occur before December 31. In addition, the proposal increases the season length for Hunt G-7 from 51 consecutive days to 79, in order to provide more flexibility for conducting the hunt. The proposal also provides clarification of hunt cancellation policy for tag exchange or refund in the Special Conditions in order to provide notification of the Department's policy which is not readily available to the public.

Existing regulations provide for special conditions for Hunt J-4 which require hunt participants to attend a mandatory meeting the day before opening day. This requirement has been unpopular with many hunt participants as it unnecessarily reduces their time for scouting and hunting and may further reduce participation. The proposal would eliminate this requirement and instead information presented at the meeting would be mailed to the hunt participants with their tags.

Existing regulations provide for special conditions in all junior hunts (Hunts J-1 through J-15) which require that their adult chaperon be "licensed" and "non-hunting". These conditions unnecessarily restrict hunter participation based on requirements of their chaperon. The proposal would remove this condition from all junior hunts.

Existing regulations provide for limited or no junior hunting opportunities in Zones D-3, D-4, D-5, X-7a and X-7b. In an effort to increase hunting opportunity for young hunters, and provide for a specific public demand for junior deer hunting, while meeting approved deer herd plan objectives, the proposal would create 5 new junior hunts: J-16, J-17, J-18, J-19 and J-20, in Zones D-3, D-4, D-5, X-7a and X-7b, respectively. The hunt area descriptions would correspond to the zone descriptions, and seasons would be concurrent with the general season as described in subsections 360(a) and (b). The bag and possession limit would be one either-sex deer, with individual hunt tag quota ranges from 5-20 to 10-75 tags. Special conditions would require that applicants be junior license holders and be accompanied by an adult 18 years of age or older while hunting.

Existing regulations provide reference to other sections and subsections in Title 14, CCR. Under current proposals, Sections 370, 371, 372 and 373 would be deleted and moved to a new Section 708, titled Big Game License Tag, Application, Distribution and Reporting Procedures. The proposal would provide minor editorial revisions for consistency in section and subsection reference changes, as well as, any adjustments for subsection numbering, spelling and grammar.

Existing regulations provide for the number of hunting tags for the additional hunts. The proposal changes the number of tags for existing hunts to a series of ranges presented in the following table.

These ranges are necessary, as the final number of tags cannot be determined until spring herd data are collected in March/April. Because severe winter conditions can have an adverse effect on herd recruitment and overwinter adult survival, final tag quotas may fall below the proposed range.

NUMBER OF TAGS					
Hunt	Current	Proposed	Hunt	Current	Proposed
G-1	3,500	500-5,000	M-11	20	20-200
G-3	25	25-50	MA-1	150	20-150
G-6	50	25-100	MA-3	150	50-200
G-7	20 Military *	20 Military *	J-1	25	10-25
G-8	30 Military * 30 Public	30 Military * 30 Public	J-3	15	15-30
G-9	15 Military * 15 Public	15 Military * 15 Public	J-4	15	15-50
G-10	380 Military * 100 Public	380 Military * 100 Public	J-7	10	10-30
G-11	500 Military * and DOD **	500 Military * and DOD **	J-8	17	10-20
G-12	30	25-75	J-9	5	5-10
G-13	300	50-300	J-10	10 Military * 30 Public	10 Military * 30 Public
G-19	25	10-65	J-11	40	10-50
G-21	25	25-100	J-12	10	10-20
G-37	25	25-50	J-13	40	25-100
G-38	300	50-300	J-14	30	15-75
M-3	20	20-75	J-15	10	5-30
M-4	15	15-50	J-16	New Hunt	10-75
M-5	15	15-50	J-17	New Hunt	5-25
M-6	80	25-100	J-18	New Hunt	10-75
M-7	150	50-150	J-19	New Hunt	10-40
M-8	40	20-75	J-20	New Hunt	5-20
M-9	15	10-100			

* Specific numbers of tags are provided for military hunts through a system which restricts hunter access to desired levels and ensures biologically conservative hunting programs.

** DOD = Department of Defense

Subsection 360(d), Deer: Fund-Raising License Tags

Existing regulations provide for a deer hunting season which begins the second Saturday in July and extends through January 31 for Golden Opportunity Fund-raising License tags. In order to facilitate the incorporation of the most accurate harvest data into population modeling and the Environmental Document analysis, the proposal would change the season end date from January 31 to December 31.

Existing regulations provide reference to other sections and subsections in Title 14, CCR. Under current proposals, Sections 370, 371, 372 and 373 would be deleted and moved to a new Section 708, titled Big Game License Tags, Application, Distribution and Reporting Procedures. The proposal would provide minor editorial revisions for consistency in section and subsection reference changes, as well as, any adjustments for subsection numbering, spelling and grammar.

Section 361, Archery Deer Hunting

Existing regulations provide for archery hunting in the C Zones with a general C Zone tag (Zones C-2 and C-3 archery seasons); Hunt A-1 (Zone C-1 Archery Hunt); Hunt A-2 (Zone C-4 Archery Hunt); and with an Archery Only #1 or #2 tag (Zones C-2 and C-3 archery seasons). While general C Zone tagholders can hunt during the general season in all four zones (C-1 through C-4), and during the C-2 and C-3 archery seasons, archery method hunters are restricted to hunting no more than two zones with any single archery specific tag. In an effort to alleviate restrictions on C Zone archery hunters, the proposal would create a single C Zone Archery Only tag by the following actions: 1) modify general C Zone tag valid zone and season use by removing Zones C-2 and C-3 archery seasons; 2) modify Hunt A-1 from the Zone C-1 Archery tag to a C Zone Archery Only tag valid during the archery seasons only in Zones C-1 through C-4; 3) delete Hunt A-2, the Zone C-4 Archery Hunt; and 4) modify the use of Archery Only #1 and #2 tags by excluding Zones C-2 and C-3 from the list of valid zones.

Existing regulations provide for deer hunting seasons which extend through or occur totally within January for Area-specific archery Hunts A-22 (second period) and A-31. In order to facilitate the incorporation of the most accurate harvest data into population modeling and the Environmental Document analysis, the proposal would move seasons such that hunt seasons do not extend beyond December 31.

Existing regulations provide for identical area descriptions and seasons for Area-specific archery Hunts A-23 and A-31. The bag and possession limit for Hunt A-23 is one antlerless deer, while Hunt A-31 is one either-sex deer, creating an overlap in harvest objectives. In order to simplify and reduce redundancy in the regulation, the proposal would delete Hunt A-23.

Existing regulations provide deer hunting areas, seasons, bag and possession limits, and number of permits for Zone A. While the zone provides early season archery hunting and some limited late season archery hunting opportunities in the northern portion of the zone, no late season opportunity exists in the southern portion of the zone. The proposal would establish a new Area-specific archery Hunt A-32, the Ventura/Los Angeles Late Season Archery Either-Sex Deer Hunt. The hunt area would encompass those portions of Ventura and Los Angeles counties within the A Zone, season beginning the second Saturday in November and extending for 23 consecutive days, a bag and possession limit of one either-sex deer, a tag range of 50-300 tags, and methods would be restricted to archery methods only. This proposal would meet a specific public demand for archery hunting which was eliminated by the modification of area boundaries for Hunts A-23 and A-31 in 1998. The proposed hunt would further assist in meeting harvest objectives and existing deer herd management plan recommendations within an area which is largely a firearms closure area.

Existing regulations provide a Hunt Title followed by the Hunt Number for Area-Specific Archery Hunts A-1 through A-31, the reverse of Additional Hunts in subsection 360(c). The proposed change would make minor editorial revisions for consistency in hunt numbers and titles as in subsection 360(c). The proposal would also provide minor editorial revisions for consistency in subsection numbering, spelling and grammar.

Existing regulations provide for the number of hunting tags for existing area-specific archery hunts. The proposal changes the number of tags for existing hunts to a series of ranges presented in the following table. These ranges are necessary, as the final number of tags cannot be determined until spring herd data are collected in March/April. Because severe winter conditions can have an adverse effect on herd recruitment and overwinter adult survival, final tag quotas may fall below the proposed range.

Number of Tags		
Hunt Number (and Title)	Current	Proposed
A-1 (C Zone Archery Only Tag)	480	150-3,000
A-3 (Zone X-1 Archery)	235	50-1,000
A-4 (Zone X-2 Archery)	25	25-200
A-5 (Zone X-3a Archery)	40	25-300
A-6 (Zone X-3b Archery)	90	25-400
A-7 (Zone X-4 Archery)	115	25-400
A-8 (Zone X-5a Archery)	15	15-100
A-9 (Zone X-5b Archery)	30	15-100
A-11 (Zone X-6a Archery)	135	25-300
A-12 (Zone X-6b Archery)	75	25-200
A-13 (Zone X-7a Archery)	40	25-200
A-14 (Zone X-7b Archery)	15	0-100
A-15 (Zone X-8 Archery)	150	25-200
A-16 (Zone X-9a Archery)	390	50-750
A-17 (Zone X-9b Archery)	300	50-600
A-18 (Zone X-9c Archery)	350	50-500
A-19 (Zone X-10 Archery)	120	25-200
A-20 (Zone X-12 Archery)	145	25-500
A-21 (Anderson Flat Archery Buck Hunt)	25	25-100
A-22 (San Diego Archery Either-Sex Deer Hunt)	1,000	100-1,000
A-24 (Monterey Archery Either-Sex Deer Hunt)	100	25-200
A-25 (Lake Sonoma Archery Either-Sex Deer Hunt)	25	20-75
A-26 (Bass Hill Archery Buck Hunt)	40	25-100
A-27 (Devil's Garden Archery Buck Hunt)	10	10-75
A-30 (Covelo Archery Buck Hunt)	40	20-100
A-31 (Los Angeles Archery Either-Sex Deer Hunt)	500	200-2,000

A-32 (Ventura/Los Angeles Archery Late Season Either-Sex Deer Hunt)	New Hunt	50-300
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Section 362, Nelson Bighorn Sheep

Existing regulations provide for limited hunting of Nelson bighorn rams in six hunt zones. The proposed change adjusts the number of tags based on annual bighorn sheep population surveys conducted by the Department. The following proposed number of tags was determined using the procedure described in Fish and Game Code Section 4902:

HUNT ZONE	NUMBER OF TAGS
Zone 1 - Marble Mountains	3
Zone 2 - Kelso Peak/Old Dad Mountains	3
Zone 3 - Clark/Kingston Mountain Ranges	2
Zone 4 - Orocopia Mountains	1
Zone 5 - San Gorgonio Wilderness	2
Zone 6 - Sheep Hole Mountains	1
Open Zone Fund-Raising Tags	2
TOTAL	14

The number of tags allocated for each of the six hunt zones is based on the results of the Department's 2001 estimate of the bighorn sheep population in each zone. Tags are proposed to be allocated to allow the take of less than 15 percent of the mature rams estimated in each zone.

Existing regulations specify bighorn sheep tag application and distribution procedures and tagging and reporting requirements. The proposed change establishes new Subsection 708(b) and removes tag application and distribution procedures and tagging and reporting requirements from existing regulations by placing them in that new Subsection.

Existing regulations require a \$6.50 nonrefundable application fee and a \$261.50 resident license tag fee for hunting Nelson bighorn sheep. The proposed change increases the application fee to \$6.75 and the resident license tag fee to \$270.25, to reflect the cost of living increase as specified in Section 713 of the Fish and Game Code.

Editorial changes are also proposed to improve the clarity and consistency of the regulations.

Section 363, Pronghorn Antelope

Existing regulations provide for the number of pronghorn antelope hunting tags for each hunt zone. The proposed change provides a range of tags for most zones as follows:

Proposed Pronghorn Antelope Tag Allocation, 2002						
NUMBER OF TAGS						
Hunt Area	Archery-Only Season		General Season			
			Period 1		Period 2	
	Buck	Doe	Buck	Doe	Buck	Doe
Zone 1	1-10	0-3	3-60	0-20	0	0
Zone 2	1-10	0-3	20-80	0-25	0	0
Zone 3	2-20	0-7	25-150	0-50	25-130	0-50
Zone 4	2-20	0-7	25-150	0-50	25-150	0-50
Zone 5	1-15	0-5	3-150	0-50	0	0
Zone 6	1-5	0	3-20	0-7	0	0
Ash Creek Junior Hunt	—		1-10 Either-Sex		0	
Honey Lake Junior Hunt	—		1-10 Either-Sex		0	
Fund-Raising Hunt	2 Buck					

Final tag quotas for hunt zones will be determined based on results of a winter survey which should be completed and analyzed by March of 2002. Final tag quotas will provide for adequate hunting opportunities while allowing for a biologically appropriate harvest of bucks and does in specific populations. The final quota for each zone will be reported in the Final Statement.

Existing regulations specify the area, season, bag and possession limit, number of license tags and special conditions for the Carrizo Hunt. The proposal will eliminate this hunt because the status of this population has continued to decline, despite recent changes that reduced the quota to two buck tags.

Existing regulations specify pronghorn antelope tag application and distribution procedures, and tagging and reporting requirements. The proposed change establishes new Subsection 708(c) and removes tag application and distribution procedures and tagging and reporting requirements from existing regulations by placing them in that new Subsection.

Existing regulations require a \$6.50 nonrefundable application fee and a \$92.75 resident license tag fee for hunting pronghorn antelope. The proposed change increases the application fee to \$6.75 (for a single application; \$13.50 for a two-party application) and the resident license tag fee to \$95.75, to reflect the cost of living increase as specified in Section 713 of the Fish and Game Code.

Minor editorial changes are also proposed to include clarity and consistency of the regulations. References to trespassing and wanton waste are deleted from this Section to reduce redundancy. Trespassing already is prohibited by Fish and Game Code sections 2016 and 2017, and wanton waste is prohibited by Fish and Game Code Section 4304.

Section 364, Elk

Existing regulations provide elk license tag quotas for each hunt. The proposal changes license tag quotas for specific hunts and will: Increase the Shasta quota from one bull and four antlerless tags to five either-sex archery only tags and 10 either-sex general season tags; increase the Marble Mountains quota from 30 either-sex tags to 40 either-sex tags; change the Big Lagoon quota from 25 either-sex tags to 12 bull tags and 13 antlerless tags; change the Klamath quota from 30 either-sex tags to 15 bull tags and 15 antlerless tags; provide five either-sex archery only tags valid for established zones in the Owens Valley; and reduce the total bull tag quota for the Tinemaha zone from 10 to 6.

Existing regulations specify boundaries for the Shasta Rocky Mountain Elk Hunt. The proposed change significantly expands the current hunt zone from Shasta County to include portions of Modoc, Lassen and eastern Siskiyou counties, so that additional recreational opportunities can be provided consistent with the expansion of elk populations in and near the current hunt area. The hunt is renamed the Northeastern California Rocky Mountain Elk Hunt to reflect the major expansion of hunt zone boundaries.

Existing regulations specify the boundary for the Marble Mountains Roosevelt Elk Hunt, which occurs within a portion of western Siskiyou County. The proposed change expands the boundary for this hunt to include portions of Humboldt, Trinity and Shasta counties so that additional recreational opportunities can be provided consistent with the expansion of elk populations in and near the current hunt area.

Existing regulations specify the boundary for the Big Lagoon Roosevelt Elk Hunt. The proposed change expands the boundary of the Big Lagoon Roosevelt Elk Hunt within Humboldt County. A major private landowner within the hunt boundary (Simpson Timber Company) has requested that this boundary be expanded to allow hunters additional opportunity to hunt elk on their land.

Existing regulations specify boundaries and season dates for elk hunts within the Owens Valley, but do not provide an exclusive opportunity for archers to hunt elk. The proposed change establishes a nine day, archery only hunt period for existing zones in the Owens Valley beginning on the second Saturday in August. Under the proposed change, archery only tags are not valid during any other period, and no other tags are valid during the archery only period for the Owens Valley.

Existing regulations specify elk tag application and distribution procedures, including qualifying conditions and drawing details. The proposed change establishes new Subsection 708(d) and removes specific tag application and distribution procedures and tagging and reporting requirements from existing regulations by placing them in that new Subsection.

Existing regulations require a \$6.50 nonrefundable application fee and a \$277.50 resident license tag fee for hunting elk. The proposed change increases the application fee to \$6.75 (for a single application; \$13.50 for a two-party application) and the resident license tag fee to \$286.75, to reflect the cost of living increase as specified in Section 713 of the Fish and Game Code.

Editorial changes are also proposed to improve the clarity and consistency of the regulations. Reference to trespassing is deleted from this Section to reduce redundancy, since trespassing already is prohibited by Fish and Game Code sections 2016 and 2017.

Section 365, Bear

The proposed regulation change would increase number of bears reported killed to close the season early from 1,500 to 1,700. During each of the past five years, the bear hunting season has closed early because there have been 1,500 bears reported killed before the season extends until the last Sunday in December. This change would not impact the bear population and would provide additional hunter opportunity by allowing the season to continue until the last Sunday in December.

Currently, the bear hunting season in deer hunting X zones begins the second Saturday in October. This

is later than the opening date of the general deer seasons for these areas. The proposed change would begin the bear hunting season concurrent with the general deer hunting seasons in zones X-8, X-9a, X-9b, X-10 and X-12. This change will move the bear hunting season earlier and provide additional hunting opportunity for those who wish to hunt bear and deer during the deer hunting season.

The proposed regulation change would make a minor editorial change to correctly reference Subsection 708(e) instead of Section 367 when referring to the bear tag reporting requirement. Section 367 is amended to move this information to the new Subsection 708(e). This change is for clarification and consistency in the regulations.

The proposed regulation change clarifies language in Subsection 365(e) by deleting reference to attracting bears to a "feeding area". The intent of the subsection is to prohibit the use of bait and attractants for bear hunting purposes. The proposed change makes the regulation more clear and understandable.

Section 367, Bear License Tags

Existing regulations specify bear tag application and distribution procedures, including qualifying conditions and the return of bear tags. The proposed change establishes new Subsection 708(e), by repealing Section 367 and moving the tag application and distribution procedures for bear to that new subsection.

Section 368, Wild Pig

Existing regulations specify wild pig tag application and distribution procedures, including qualifying conditions and the return of wild pig tags. The proposed change establishes new Subsection 708(f), by repealing Section 368 and moving the tag application and distribution procedures for wild pig to that new subsection.

Section 370, Deer Tags

Existing regulations provide requirements under which deer may be hunted, including: valid areas as described in Sections 360 and 361; tagging requirements for harvested deer; and limits on the number of deer that may be taken by an individual. Currently, proposals are under consideration within the Department to implement an Automated License Data System (ALDS), and a possible change in tag distribution methods from the current draw-by-choice method to a preference-based point system for big game tag distribution, including deer tags. If implementation of an ALDS or preference-based point system occurs, it will be necessary to adapt administrative and procedural regulations such as Section 370 immediately. The current Mammal regulation setting process is structured such that time lines would not be adaptable to these needs.

The proposed change would delete Section 370 and move its content to a new Section 708 titled, Big Game License Tag, Application, Distribution and Reporting Procedures. Section 370 would be incorporated with other administrative and procedural regulations and allow their modification as necessary, outside of the normal Mammal regulation setting process and time lines.

Section 371, Deer Tag Application and Distribution Procedures

Existing regulations provide for deer tag application and distribution procedures including: drawing information; application form definitions, fees and restrictions; and tag exchange fees and information. Currently, proposals are under consideration within the Department to implement an Automated License Data System (ALDS), and a possible change in tag distribution methods from the current draw-by-choice method to a preference-based point system for big game tag distribution, including deer tags. If implementation of an ALDS or preference-based point system occurs, it will be necessary to adapt administrative and procedural regulations such as Section 371 immediately. The current Mammal regulation setting process is structured such that time lines would not be adaptable to these needs.

The proposed change would delete Section 371 and move its content to a new Section 708 titled, Big Game License Tag, Application, Distribution and Reporting Procedures. Section 371 would be incorporated with other administrative and procedural regulations and allow their modification as necessary outside of the normal Mammal regulation setting process and time lines.

Section 372, Deer: Deer and Elk Tags, Persons Authorized To Validate

Existing regulations provide a listing of persons and professional classifications for those authorized to validate and countersign deer and elk tags. Currently, proposals are under consideration within the Department to implement an Automated License Data System (ALDS), and a possible change in tag distribution methods from the current draw-by-choice method to a preference-based point system for big game tag distribution, including deer tags. If implementation of an ALDS or preference-based point system occurs, it will be necessary to adapt administrative and procedural regulations such as Section 372 immediately. The current Mammal regulation setting process is structured such that time lines would not be adaptable to these needs.

The proposed change would delete Section 372 and move its content to a new Section 708 titled, Big Game License Tag, Application, Distribution and Reporting Procedures. Section 372 would be incorporated with other administrative and procedural regulations and allow their modification as necessary, outside of the normal Mammal regulation setting process and time lines.

Section 373, Deer: Return of Deer Tags

Existing regulations provide reporting requirements and violation penalties under which deer tag report cards must be returned. Currently, proposals are under consideration within the Department to implement an Automated License Data System (ALDS), and a possible change in tag distribution methods from the current draw-by-choice method to a preference-based point system for big game tag distribution, including deer tags. If implementation of an ALDS or preference-based point system occurs, it will be necessary to adapt administrative and procedural regulations such as Section 373 immediately. The current Mammal regulation setting process is structured such that time lines would not be adaptable to these needs.

The proposed change would delete Section 373 and move its content to a new Section 708 titled, Big Game License Tag, Application, Distribution and Reporting Procedures. Section 373 would be incorporated with other administrative and procedural regulations and allow their modification as necessary, outside of the normal Mammal regulation setting process and time lines.

Section 401, Issuance of Permits to Kill Deer, Bear, Elk, Wild Pig, Gray Squirrel and Beaver Causing Damage

Existing regulations provide for issuing a permit for killing various game species which cause damage to private property. These regulations specify the conditions for using the permits, who may use the permits and any reporting requirements for permittees. Through the years, several amendments have been made to the section by adding new provisions and causing confusion. The proposed change modifies the permit term to a maximum of one year (except for deer), allows federal employees to act as agents for the landowner, clarifies in simple English and reorders the section in a logical manner.

Sections 460 and 472, and New Section 477, Nonnative Red Fox

Under existing regulation (Section 460, Title 14, CCR), red fox may not be taken at any time. The proposed regulations would amend sections 460 and 472, and establish Section 477 to permit the hunting and trapping of the nonnative red fox in certain parts of the State, while continuing to provide the necessary protection for the threatened native Sierra Nevada red fox. The season for the take of nonnative red fox would be all year, and there would be no bag limit. A zone would be established for the take of the nonnative red fox which includes an area where the nonnative red fox is known to occur and which is a safe distance from the high elevation range occupied by the threatened Sierra Nevada red fox.

Section 474, Hours for Taking

Under existing regulation (Section 474, Title 14, CCR), the area closed to night hunting is incorrectly described. One street name is incorrect and should be changed. The proposed regulations would amend section 474 in order to correct this condition.

Section 555, Cooperative Elk Hunting Areas

Under current regulations (Section 555, Title 14, CCR), the department may establish cooperative elk hunting areas and issue license tags to allow the take of elk. This program is intended to encourage the protection and enhancement of elk habitat and provide eligible landowners an opportunity for limited elk hunting on their lands.

A cooperative elk hunting area is composed of private land located within the boundary of a public elk hunt (as identified in Section 364, Title 14, CCR). Persons owning at least 640 acres within a cooperative elk hunting area are eligible to apply for a cooperative elk hunting area permit. Applicants must designate one individual eligible to receive an elk license tag under this program. Tag recipients must be California residents at least 12 years of age and possess a valid California hunting license. In no case, shall individuals be awarded more than one elk license tag per year.

The existing regulation specifies that fees for elk license tags and the names of tag recipients must be submitted with cooperative elk hunting area applications by the first Friday in August. Requiring the concurrent submission of fees with applications causes an unnecessary burden to landowners, since not all applicants are successful in obtaining elk license tags. This also results in increased departmental costs to refund fees to unsuccessful applicants. The provision specifying that tag recipients be included with the application, unnecessarily requires a landowner to commit an elk license tag to an individual before they are certain of being successful in the application process. The proposed action would eliminate the requirement for landowners to submit elk license fees and the names of tag recipients with their applications, and move the application deadline to the first business day following July 1. Successful applicants would be required to submit the names of elk tag recipients and fees to the department by the first business day following August 1. Minor changes are also proposed to update the names and addresses of Department offices listed in this Section.

The existing regulation also limits landowners to one cooperative elk hunting application each year, regardless of whether they own sufficient elk habitat to otherwise qualify within the boundary of more than one public elk hunt. The proposed regulation would allow eligible landowners to annually submit cooperative elk hunting applications for each public hunt area in which their property occurs.

Section 601, Shooting Clubs: Enhancement and Management of Fish and Wildlife and their Habitat on Private Lands

Existing regulations provide for hunting big game species on Private Lands Management Areas licensed by the Commission under Section 601. Within Section 601, references are made to other sections and subsections regarding various big game license tag administrative procedures and requirements. Several of these referenced subsections, are currently proposed for deletion and incorporation into a new Section 708 titled, Big Game License Tag, Application, Distribution and Reporting Procedures. For consistency in regulation, the proposal would make minor editorial changes to reference new section and subsection 708 numbers.

Section 708, Big Game License Tag, Application, Distribution and Reporting Procedures

The proposed change establishes a new Section 708, by moving the tag application and distribution procedures for all big game into that new section. This change will facilitate future changes to the tag application and distribution procedures that may be recommended as a result of implementing the automated license data system (ALDS).

Existing regulations provide for the distribution of remaining C and D Zone, and additional hunt tags with a second deer tag application on the first business day after September 1 within the old Section 371 (now incorporated into the new Section 708(a)). The original intent of this deadline was to provide ample opportunity for unsuccessful draw applicants to acquire tags. However, many C and D zone archery seasons occur prior to the availability of these tags, unnecessarily restricting opportunity for archery hunters. The proposed change would move this date to the first business day following August 1, allowing ample time to acquire tags by unsuccessful draw applicants, and for the distribution of tags prior to the start of archery seasons in those C and D zones.

Existing regulations do not specifically address Fish and Game Code Sections that pertain to requirements for: tagging (FGC 4336); tag validation/countersigning and transportation for the purpose of, (FGC 4341); deer head retention and production upon demand (FGC 4302); and deer violations and tag forfeiture (FGC 4340). These laws are not readily available to the general public, specifically hunters. In an effort to provide better public service, by making these laws readily available to hunters, the proposal incorporates all, or portions of these code sections into regulation.

Section 711, Cold Storage and Food Locker Plant Records

Under current regulations, any person operating a cold storage or frozen food locker plant is required to maintain detailed records for the Department regarding game birds or game mammals they process. The proposed action is intended to reduce the burden on plant operators by reducing the amount of information they are required to maintain to the minimum needed for enforcement and wildlife management purposes. Specifically, the proposed action would eliminate the requirement for plant operators to: (1) record the weight of game birds and mammals; and (2) record the number of game bird or game mammal parts received. The requirement to maintain records for the Department for three years would be reduced to one year.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Hubbs-Sea World Research Institute, Shedd Auditorium, 2595 Ingraham Street, San Diego, CA, on March 8, 2002, at 8:30 a.m., or as soon thereafter as the matter may be heard. Written comments may also be submitted to the Fish and Game Commission office at the address given below.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the City Council Chambers, 333 West Ocean Boulevard, Long Beach, CA, on April 5, 2002, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments may be submitted on or before Friday, March 29, 2002, at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@dfg.ca.gov, but must be received no later than Friday, April 5, 2002 at the hearing in Long Beach. E-mail comments must include the true name and mailing address of the commentor.

NOTICE IS FURTHER GIVEN that any person interested may present additional testimony on the proposed regulations, orally or in writing, if substantive changes result from the April 5, 2002, meeting or if regulatory alternatives are under consideration relevant to this action, at a teleconference hearing to be held at the Resources Building, Room 1320, 1416 Ninth Street, Sacramento, CA, on April 25, 2002, at 10 a.m., to consider adoption of the proposed Mammal Hunting and Trapping Regulations for the 2002 and 2003 seasons.

Draft environmental documents associated with the proposed regulatory actions were made available for comment commencing January 31, 2002. Oral or written comments relevant to these documents will be received at the March 8, 2002, meeting in San Diego. Written comments on these documents may be submitted to the Commission office (address given herein) until 5:00 p.m., March 18, 2002. Draft environmental documents are available for review at the Commission office and at the Department of Fish and Game's, Wildlife Programs Branch office in Sacramento. Copies of the documents are also available for review at the Department offices in Redding, Rancho Cordova, Yountville, Fresno, Long Beach, Bishop, Eureka, Belmont, Monterey, Chino and San Diego. **NO WRITTEN COMMENTS ON DRAFT ENVIRONMENTAL DOCUMENTS WILL BE ACCEPTED AFTER 5:00 P.M. ON MARCH 18, 2002.**

The regulations as proposed in strikeout-underline format, as well as initial statements of reasons

including environmental considerations and all information upon which the proposal is based, are on file and available for public review from John M. Duffy, Assistant Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct inquiries to John M. Duffy or Jon Snellstrom at the preceding phone number. John Carlson, Acting Chief, Wildlife Programs Branch, Department of Fish and Game, 916 653-7203, has been designated to respond to questions on the substance of the proposed regulations. Copies of the initial statements of reasons, including the regulatory language, may be obtained from the above address. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.dfg.ca.gov>.

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer named herein.

If the regulatory proposals are adopted, the final statements of reasons may be obtained from the address above when they have been received from agency program staff.

Impact of Regulatory Action

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Business, including the Ability of California Businesses to Compete with Businesses in Other States:

Section 265, Use Of Dogs for Pursuit/Take of Mammals or for Dog Training

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. Because the proposed change clarifies the regulation, it is economically neutral.

Section 308, Brush, Cottontail and Pigmy Rabbits, and Varying Hare (Snowshoe)

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. Only a very limited range has been identified for closure.

Subsection 360(a), Deer: A, B, C, and D Zone Hunts

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. Given the number of tags available and the area over which they are distributed, these proposals are economically neutral to business.

Subsection 360(b), Deer: X-Zone Hunts

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. Given the number of tags available and the area over which they are distributed, these proposals are economically neutral to business.

Subsection 360(c), Deer: Additional Hunts

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. Given the number of tags available and the area over which they are distributed, these proposals are economically neutral to business.

Subsection 360(d), Deer: Fund-Raising License Tags

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed action adjusts tag quotas for existing hunts. Given the number of tags available and the area over which they are distributed, these proposals are economically neutral to business.

Section 361, Archery Deer Hunting

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. Given the number of tags available and the area over which they are distributed, these proposals are economically neutral to business.

Section 362, Nelson Bighorn Sheep

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed action adjusts tag quotas and moves specific tag procedures and requirements to another Section. Given the few number of bighorn sheep tags that are available each year, this proposal is economically neutral to business.

Section 363, Pronghorn Antelope

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed action adjusts tag quotas for existing pronghorn antelope hunts. Given the minor nature of the change in pronghorn tags that are proposed, this proposal is economically neutral to business.

Section 364, Elk

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. Given the number of tags available to the public, this proposed change is minor in scope and economically neutral.

Section 365, Bear

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed changes are meant to clarify regulations and increase hunter opportunity.

Section 367, Bear License Tags

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. Given the number of tags available to the public, this change will be economically neutral.

Section 368, Wild Pig

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. Because the proposed change does not affect the number of tags available, it is economically neutral.

Section 370, Deer Tags

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed action adjusts tag quotas for existing hunts. Given the number of tags available and the area over which they are distributed, these proposals are economically neutral to business.

Section 371, Deer Tag Application and Distribution Procedures

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. Given the number of tags available and the area over which they are distributed, these proposals are economically neutral to business.

Section 372, Deer: Deer and Elk Tags, Persons Authorized To Validate

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. Given the number of tags available and the area over which they are distributed, these proposals are economically neutral to business.

Section 373, Deer: Return of Deer Tags

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed action does not change the number of tags available and the area over which they are distributed, these proposals are economically neutral to business.

Section 401, Issuance of Permits to Kill Deer, Bear, Elk, Wild Pig, Gray Squirrel and Beaver Causing Damage

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed changes are meant to clarify regulations and improve public service.

Sections 460 and 472, and New Section 477, Nonnative Red Fox

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. Given the estimated number of fox hunters and trappers and the area over which they will be distributed, this proposal is not expected to negatively impact businesses or private persons in California. In fact, it may have a positive economic effect, as trappers may derive additional income from the sale of pelts, and businesses may experience increased trade.

Section 474, Hours for Taking

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed action adjusts tag quotas for existing hunts. Given the estimated number of fox hunters and trappers and the area over which they will be distributed, this proposal is not expected to negatively impact businesses in California.

Section 555, Cooperative Elk Hunting Areas

The proposed action will not have a significant statewide adverse economic impact affecting business, including the ability of California businesses to compete with businesses in other states. The proposed action will result in no net increase in the number of elk license tags available to the public and therefore is expected to be economically neutral to business.

Section 601, Shooting Clubs: Enhancement and Management of Fish and Wildlife and their Habitat on Private Lands

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. Given the number of tags available and the area over which they are distributed, these proposals are economically neutral to business.

Section 708, Big Game License Tag, Application, Distribution and Reporting Procedures

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed action adjusts tag quotas for existing pronghorn antelope hunts.

Given the minor nature of the change in pronghorn tags that are proposed, this proposal is economically neutral to business.

Section 711, Cold Storage and Food Locker Plant Records

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed action reduces the amount of information locker plant operators are required to record and the duration those records must be maintained. These changes may result in minor cost savings to plant operators due to a reduction in the time needed to complete and maintain records required by this Section.

- (b) Impact on the Creation or Elimination of Jobs within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None.
- (c) Cost Impacts on a Representative Private Person or Business:

The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- (d) Costs or Savings to State Agencies or Costs/Savings in Federal funding to the State: None.
- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None.
- (h) Effect on Housing Costs: None.

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business.

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

FISH AND GAME COMMISSION

John M. Duffy
Assistant Executive Director

Dated: February 5, 2002